

Profile of Victims of Alleged Sexual Assault Cases at A Tertiary Referral Unit & Medical College in South India

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Abstract

Introduction: Recent trend in the mass media is the increase in sexual offences that too against minors. Which made Government of India to enforce new law, in the form of criminal law amendment 2013 and POCSO act 2012 which has wider dimension of rape definition. As per the act, firstly every person under 18 years of age shall be the property of government, hence anything illegal happen to child is an offense against the government itself. Secondly this law is gender neutral. Thirdly acts of sexual gratification other than peno-vaginal penetration are included in this act, as equivalent to rape, if the victim's age is under 18 years of age. **Materials & methods:** The study was carried out for the period of January 2013 to December 2014. Documents of the cases of victims of alleged rape brought by investigating officers of Vijayapur District, were examined at Department of Forensic Medicine & Toxicology, of BLDE University's Sri B M Patil Medical College, Hospital & Research centre. **Results:** In the present study maximum number (41.38 %) of cases were between 15-18 years of age. Most cases (27%) attained menarche by the age of 13 years. In this study average duration from reporting to police station & medical examination was 12.44 Hours. Two victims were pregnant at the time of examination. Majority of cases in this study were unmarried 21 (72.41 %) & remaining 8 cases (27.59 %) were, married. Out of 29 girls examined, as per their statement in 23 (79.31 %) girls the accused was known to her since long time, only two girls said accused was not known to her as well the parents.

Key Words: sexual offence, rape, POCSO Act, Criminal law amendment 2013

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Introduction:

Sex and sexual intercourse are the essential requirement for continuation of human generation, applies to all the living creature except in those in which, asexual reproduction is possible. Recent trend in the mass media is the increase in sexual offences

that too against minors,¹ which made Government of India to enforce new law, in the form of Prevention Of Child Sexual Offences (POCSO) Act 2012, which has wider dimension of rape definition. As per the act, firstly every person under 18 years of age shall be the property of government, hence anything illegal happen to child is an offense against the government itself. Secondly this law is gender neutral. Thirdly acts of sexual gratification other than peno-vaginal penetration are included in this act, as equivalent to rape, if the victims age is under 18 years of age. The act emphasizes for early medical examination of victim, mandatory reporting to law enforcing agency as to occurrence of crime, however again new

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Received on 07.12.2017

Accepted on 27.12.2017

amendment is introduced protecting rights of individual to inform police or not. Investigative & Medical examination of the victims of such offences has been critically interpreted by honorable courts of law. For acquittal of accused in such cases, due to hostile-nature of evidence deposition by the victims and the complainants in most of the cases, hence the cases are falling flat. The court has decided four cases in less than 20 days, but as the victims and complainants in the cases retracted from their earlier statements, the accused were acquitted.²

court also noted that there was a delay of over five days in reporting the matter to the police which remained unexplained. "The non-explanation of considerable delay also makes the prosecution case doubtful and possibility of accused being falsely implicated also cannot be ruled out".³

Gender specific Sections 375, 376, 354, 164A of Indian Penal Code, are redefined to gender neutral and child friendly POCSO Act 2012 has been enforced. Effect of POCSO Act 2012 after its implementation, the difficulties faced in its implementation, are the need of day for study. Hence retrospective study of 29 sexual assault victims that are brought by police, for medical examination to the Department of Forensic Medicine & Toxicology, at Casualty of BLDEU Sri B. M Patil Medical College Hospital, were examined for the period of 2 years are included in the study.

Materials and Method:

"The retrospective study was carried out in the department for the period of January 2013 to December 2014. Documents of the cases of victims of alleged rape brought by investigating officers of Vijayapur District, were examined from the departmental records belonging to the victims. In all the cases, methodology of medical examination was conducted as per modified guidelines issued under POCSO ACT 2012. The internal or genital examination was conducted by a lady doctor in OBG department. Thus collected information was recorded in the master chart.

Results:

Total 29 cases were examined for the period of two years (2013-14).

In the present study one (3.45 %) victim was of less than 12 years, another victim aged 16 years had not attained menarche, there were 7 victims (24.13%) between 13 to 15 years, 12 victims (41.38 %) were of age above 15 to less than 18 years of age. While there were 9 victims (31.04 %) above the age of 18 years. Maximum number (41.38 %) of cases in this study were between 15-18 years of age as shown in Table 1.

Table 1. Age range of examined victims as per alleged age.

Age range	<10	10-12	13-15	15-18	>18
No of cases	1	0	7	12	9

In this study, most cases (27%) attained menarche by the age of 13 years and 2 victims reported that they have attained menarche at early age of 10 years (Table 2).

Table 2. Age of menarche

Age at menarche	No of cases
Ten	2 (7 %)
Eleven	2 (7%)
Twelve	3 (10%)
Thirteen	8 (27%)
Fourteen	5 (17%)
Fifteen	4 (14%)
Sixteen	2 (7%)
Seventeen	1 (3.5%)
Not attained	2 (7%)

In this study average duration from reporting to police station & medical examination, only 13% cases were reported within 6 hours. Most of the cases were reported between 7 to 24 hours.

Table 3. Delay in getting medical examination done after reporting to police station

Duration	Cases
< 6 hours	4 (13.79 %)
7-12 Hours	9 (31.03%)
13-24 Hours	8 (27.58%)
25-48 Hours	4 (13.79 %)
Within a week	1 (3.44 %)
More than week	1 (3.44 %)

Two victims were pregnant at the time of examination, as shown in Table 4.

Table 4. Pregnancy status of victims of alleged rape

Pregnancy	Married	Unmarried
2 Cases (7%)	1 (3.5%)	1 (3.5%)

Majority of cases in this study were unmarried 21 (72.41%) & remaining 8 cases (27.59 %) were married (Table 5).

Table 5. Showing marital status of victims of alleged rape

Total cases	Un married	Married.
29	21(72.41 %)	8 (27.59 %)

Often it is thought that illiterates are the victims of rape, however in this study it is found that 21 girls were (72.41 %) literates, while in 8 (27.59 %) girls were illiterates. Probably reason being increasing use of internet, mobile, relatively more freedom at the schools & Colleges, etc. (Table 6)

Table 6. Literary status of victims

Total cases	Literate	Illiterate.
29	21(72.41 %)	8 (27.59 %)

Out of 29 girls examined, as per their statement in 23 (79.31 %) girls, the accused was known to her since long time, only two girls said accused was not known to her as well as to her parents. While in remaining 4 girls, accused was close relative of the victim in the form of brother-in-law / father-in-law as shown in Table 7.

Table 7. Relation of victim & Identity of the accused

Total cases	Unknown	Known	Relative
29	2 (6.89 %)	23 (79.31 %)	4 (13.89 %)

Discussion:

Sexual violence is one of the most common crimes against women. Data regarding the same usually comes from police, clinical settings, NGOs and surveys. The number of cases of sexual violence could be higher because many victims do not report for the reason that they are ashamed embarrassed or fear of being blamed.⁴

In our study, 3.5% of the victims were below ten years of age and majority (65.5%) cases were from the age group of 13-18 years. These results are in agreement with Tamuli et al⁵, Hasan et al⁶, Sarkar et al⁷, Bhardwaj et al⁸, Roy Choudhury et al⁹ and a study conducted by Islaml¹⁰. In a study done by Sharma, Aggarwal and Bhullar, it was observed that most of the victims of sexual assault were girls of 15-18 years¹¹, similarly findings (41.38%) were noted in our study. Adolescent victims were the most common (76.9%) in the study of Malhotra¹². Bhowmik and Chaliha found 18-20 years as the most common age group involved.¹³

Sukul et al¹⁴ and Bhowmik et al¹³ observed respectively that 77% and 66.93% victims were unmarried. Similarly, we found in our study that unmarried cases were accounted for 72% of the cases. Parveen in his study in Faisalabad city, Pakistan found the same result of 63% unmarried victims.¹⁵

In our study significant (79%) relationship was present between the victim and the perpetrator. In about 77% of the perpetrators accordance with the data from India, Portugal, Malaysia, South Africa and Uganda in which approximately 2 out of every 3 sexually violent acts are carried out by someone known to the victim. Thus the study disproves the myth “strangers usually commit sexual violence”.⁵

This study shows that the commonest age at menarche is thirteen years (27%) followed by twelve. In a study by Tamuli RP⁵, out of 382 cases, ninety-one cases attained menarche at the age thirteen years and 88 cases attained at the age of twelve. Bagga and Kulkarni¹⁶ in their study found that majority attained menarche between the age of twelve years and fourteen years. In our study, almost 58% cases attained menarche in between twelve and fourteen years of age.

We in our study found that only 13% cases reported early (within 6 hrs of incidence) for medical examination. The reason being consented act of sexual intercourse over a period of time followed by refusal to marry by the boy-friend. Failure in mutual settlement between both the parties further delayed the lodgement of complaint, and so thus the medical examination. Sukul, Chattopadhyay and Bose¹⁴ in their study found that 86.2% cases reported late for medical examination. In contrary to this, Santos et al found that 61% cases reported for medical examination within 72 hours of incident and findings in the genitalia and/or anus was present in 31% cases.¹⁷

Motility of spermatozoa is maintained for 1-6 hours after ejaculation into the vagina. Few motile sperm can be seen after 6 hours, but the persistence of motility is very variable depending upon the time in the menstrual cycle and full effects of hormonal preparations like the contraceptive pills upon sperm motility. After motility has been ceased, spermatozoa remain intact for as long as 48 hours, and they then separate into heads and tails. In the living, identifiable portions of spermatozoa can be seen for up to four days

after ejaculation into the vagina.¹⁸ So delayed reporting of cases reduces the chance of getting positive result to very minimal.

The present study showed that 5% cases were pregnant at the time of examination. Sukul et al¹⁴ found that 16.09% cases became pregnant following the act of sexual intercourse and had aborted or were pregnant at the time of examination. Boonma M in his study reported that 3.2% cases were pregnant at the time of examination.¹⁹

Conclusion:

Maximum number of cases in this study were between 15-18 years of age. In this study most cases (27%) attained menarche by the age of 13 years. In this study average duration of reporting to police station & medical examination only 13 % cases were reported within 6 hours. Most of the cases were reported between 7 to 24 hrs. Two victims were pregnant at the time of examination. Majority of cases in this study were unmarried (72.41 %). Out of 29 girls examined, as per their statement in majority (79.31 %) of cases, the accused was known to her since long time.

Source of funding- Self

Conflict of Interest - Nil

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